

## Reporting Requirements While on Post-Completion OPT

On April 8, 2008 the Department of Homeland Security published new F-1 OPT regulations that became effective immediately. Among other things, they have expanded the reporting requirements of students on post-completion OPT to their international student offices. This is a summary of those obligations.

You are required to report to the ISSO any of the following within 10 days:

1. A change in your name or address of residence
2. The name and address of your employer. If you have more than one employer, you must provide each employer's name and address.
3. The name and address of any new employer
4. Any change to any employer's name or address
5. Any period of unemployment, including those days between the end of one job and the beginning of the new job.
6. If you decide not to use OPT and depart the U.S. to return home or to another country.
7. If you change to another nonimmigrant status in the U.S., such as H-1, E-3, G-4, TN, etc. or obtain Permanent Resident status.

You will be responsible for making timely updates through an online form at [https://www1.columbia.edu/sec/cu/isso/OPT\\_Reporting.html](https://www1.columbia.edu/sec/cu/isso/OPT_Reporting.html). Reminders will be sent periodically.

The government has issued a 30-page Policy Guidance to expand upon the F-1 OPT changes that became effective April 8, 2008. The following FAQs are taken from that update located at [http://www.ice.gov/doclib/sevis/pdf/opt\\_policy\\_guidance\\_04062009.pdf](http://www.ice.gov/doclib/sevis/pdf/opt_policy_guidance_04062009.pdf)

### What types of employment are allowed for regular pre- and post-completion OPT?

All OPT employment, including post-completion OPT, must be in a job that is related to the student's degree program.

For students who are not on a STEM extension, this employment may include:

- **Paid employment.** Students may work part time (at least 20 hours per week when on post-completion OPT) or full time.
- **Multiple employers.** Students may work for more than one employer, but all employment must be related to the student's degree program and for pre-completion OPT cannot exceed the allowed per week cumulative hours.
- **Short-term multiple employers** (performing artists). Students, such as musicians and other performing artists may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs.
- **Work for hire.** This is also commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, students must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.
- **Self-employed business owner.** Students on OPT may start a business and be self-employed. In this situation, the student must work full time. The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student's degree program.
- **Employment through an agency.** Students on post-completion OPT must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.
- **Unpaid employment.** Students may work as volunteers or unpaid interns, where this does not violate any labor laws. The work must be at least 20 hours per week for students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment.

### How do students show that employment is directly related to their degree program?

SEVP recommends that students maintain evidence — for each job — of the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and a

description of the work. If it is not clear from the job description that the work is related to the student's degree, SEVP highly recommends that the student obtain a signed letter from the employer's hiring official, supervisor, or manager stating how the student's degree is related to the work performed.

**What counts as time unemployed?**

Each day during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment. The only exception is that periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.

**How does travel outside the United States impact the period of unemployment?**

If the student whose approved period of OPT has started travels outside of the United States while unemployed, the time spent outside the United States will count as unemployment against the 90-day limits.

If a student travels while employed either during a period of leave authorized by an employer or as part of their employment, the time spent outside the United States will not count as unemployment.

**What should students report to ensure that their status does not expire due to excessive unemployment time?**

Students are encouraged to report changes in employment to their DSO as soon as possible. SEVP recommends that students report changes within 10 business days of the change to avoid situations where a DHS official may determine the student is out of status. The following table suggests the best way to report employment or a change in employment.

Situation	Report
New job	<input type="checkbox"/> Name of the employer <input type="checkbox"/> Start date of employment <input type="checkbox"/> Mailing address for the employer
Change to a new job	<input type="checkbox"/> Name of the previous employer <input type="checkbox"/> Ending date of the employment with the previous employer <input type="checkbox"/> Name of the employer <input type="checkbox"/> Start date of employment <input type="checkbox"/> Mailing address for the employer
Multiple short-term gigs in one period with less than 10 days between gigs	<input type="checkbox"/> Report at the beginning of the first gig and indicate "Multiple short term gigs"
Work for hire (start)	<input type="checkbox"/> Indicate "Self-employed work for hire" <input type="checkbox"/> Indicate the start date of the contract
Work for hire (ending more than 10 days between the end of one contract and the beginning of another contract or a new job)	<input type="checkbox"/> Indicate "Self-employed work for hire" <input type="checkbox"/> Indicate you have no current contract <input type="checkbox"/> Ending date of the last contract worked
More than 10 days of unemployment	<input type="checkbox"/> Indicate "unemployed" <input type="checkbox"/> Ending date of last job
Self-employed business owner (start)	<input type="checkbox"/> Indicate "Self-employed business owner" <input type="checkbox"/> Indicated date went into business
Self-employed business owner (end)	<input type="checkbox"/> Indicate "Self-employed business owner" <input type="checkbox"/> Indicate date business closed or student no longer worked for the business full time
Student decides to exit the United States and complete his or her F-1 status prior to the end date of OPT	<input type="checkbox"/> Indicate "Completing OPT and exiting the United States" <input type="checkbox"/> Date of exit

**What is the effect on a student's status if the student exceeds the period of unemployment?**

A student who has exceeded the period of unemployment while on post-completion OPT has violated his or her status unless he or she has taken one of the following actions:

- Applied to continue his or her education by a change of level or transferring to another SEVP-certified school
- Departed the United States
- Taken action to otherwise maintain legal status

**Are DSOs (Designated School Officials, i.e. ISSO advisers) responsible for determining if a student has exceeded the limit of unemployment time while on OPT?**

**NO!** DSOs are responsible for updating SEVIS with employment information provided by the student or the student's employer. DHS will determine if the student has violated his or her status by exceeding the permissible unemployment period.

**How will DHS (Department of Homeland Security) enforce this provision?**

Students may be denied future immigration benefits that rely on the student's valid F-1 status if DHS determines that the student exceeded the limitations on unemployment. Additionally, ICE/SEVP (Immigration and Customs Enforcement/School and Exchange Visitor Program) may examine SEVIS data for an individual, a selected group, or all students on post-completion OPT and terminate a student's record if it fails to show the student maintained the proper period of employment. In such cases, the student will be given an opportunity to show that he or she complied with all OPT requirements, including maintaining employment.

Last revised 04/23/2009